

## REMARKS

Claims 1-36 are pending prior to entering this amendment. The examiner rejects claims 4 and 12 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner rejects claims 1-36 under 35 U.S.C. 102(e) as being anticipated by Nagata, et al. (US Patent No. 6,181,680). Applicants amend claims 4-5, 7-8, 12, 16, 18, 22, 24-25, 28-29, 31 and 33. Claims 1-36 remain after entering this amendment.

### Claim Rejections – 35 USC § 112

The examiner rejects claims 4 and 12 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants amend claims 4 and 12, which obviates the examiner's rejection.

### Claim Rejections – 35 USC § 102

Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagata. Applicants respectfully traverse the examiner's rejections.

Claim 1 recites *sending a message from an originating endpoint to a first terminating endpoint, said message directing said first terminating endpoint to enable detection of continuity check cells used for checking connectivity between said originating endpoint and said first terminating endpoint, and sending continuity check cells from said originating endpoint to said first terminating endpoint, wherein said originating endpoint is programmed to refrain from acting in response to an absence of continuity check cells from said first terminating endpoint.* Claims 14, 23, and 29 recite similar limitations.

The examiner alleges Nagata's maintenance console 2 and ATM switch 10 disclose the recited originating endpoint and terminating endpoint, respectively. The maintenance console 2, however, does not send the recited continuity check cells to the ATM switch 10. See, Nagata, col. 5, line 44 – col. 6, line 9, where the maintenance console 2 provides a communication path connection request to the ATM switch 10 and the ATM switch 10 directs ATM line control unit (root) 61 to generate and provide an OAM cell to ATM line control unit (leaf) 61 to test a connection between the two ATM line control units. In other words, Nagata does not teach or

suggest any originating endpoint that both sends a message directing a terminating endpoint to enable detection of continuity check cells and then sends continuity check cells to the first terminating endpoint. Nagata therefore does not anticipate claims 1, 14, 23, and 29, or their corresponding dependent claims.

Amended claim 5 recites *the originating endpoint sends the message directing the first terminating endpoint to enable detection of continuity check cells to the first terminating endpoint through an intermediary, and sends continuity check cells from to the first terminating endpoint through the intermediary*. Claims 14, 22, 28, and 31 recite similar limitations. There is no disclosure in Nagata of the maintenance console 2 sending any message to the ATM switch 10 through an intermediary. Nagata therefore does not anticipate claims 5, 14, 22, 28, and 31.

Applicants amend claim 8 to clarify that the terminating endpoint provides notification to a network manager *other than the originating endpoint* when continuity check cells from said originating endpoint are not detected. For instance, claim 8 recites *providing notification to a network manager other than the originating endpoint when continuity check cells from said originating endpoint are not detected*. Claims 7, 18, 24-25, and 33 recite similar limitations.

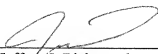
The examiner alleges Nagata's maintenance console 2 discloses both the recited originating endpoint and network manager. Applicants have amended the above-mentioned claims to clarify that the originating endpoint and the network manager are separate and distinct, which clearly excludes the examiner's interpretation that the maintenance console 2 discloses both the recited originating endpoint and network manager. Since Nagata does not teach or suggest any device that sends a message directing ATM switch 10 to enable detection of continuity check cells, but does not also receive a notification when continuity check cells from said originating endpoint are not detected, Nagata does not anticipate claims 7-8, 18, 24-25, and 33, or their corresponding dependent claims.

### CONCLUSION

For the foregoing reasons, reconsideration and allowance of all claims of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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